

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MARCH 4, 2014

The following is a summary of the March 4, 2014 Meeting:

- I. Meeting called to order at 9:01 a.m. by Gerald Kendrick. Members present were Gerald Kendrick, Phillip Hale, Ricky O'Quinn and Douglas Deel. Chairman Randy Moore was absent. Also present were Mary Gibson, Regulatory Boards Administrator, Bradley Lambert, Department of Mines, Minerals and Energy Deputy Director, Sammy Fleming and Will Stevans of Division of Mines, and Glen Comer, Gavin Bledsoe, and Jim Meacham of Division of Mined Land Reclamation.**
- II. Opening statement delivered by Gerald Kendrick.**
- III. Motion made and seconded to accept March 4, 2014, meeting agenda and approve February 4, 2014, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

V. Open Agenda

Board Administrator Mary Gibson provided handouts: 1. West Virginia law on substance abuse, 2. Information on new drug, Zohydro and 3. recap of substance abuse cases.

Ms. Gibson presented updated certification requirement sheets on the Surface Foreman and the First Class Mine Foreman certifications which incorporated changes that were approved at the last Board meeting. Changes on Surface Foreman requirement sheet define that when a four year mining engineering degree is approved to suffice for three years of the five years experience, that the additional two years experience must be at a surface mine. Changes on the First Class Mine Foreman requirement sheet define that when a mining engineering degree from an approved four year college is approved to suffice

for three years of the five years experience, that the additional two years experience must be underground mining experience. Gerald Kendrick made the motion that these changes be approved; Phillip Hale seconded the motion. All Board members were in favor to approve.

VI. Review of cases of Virginia certificate holders

David A. Mullins – Division of Mined Land Reclamation (DMLR) issued Imminent Harm Cessation Order HGC0010427 to Caliber Energy, Inc. Permit No. 1102050 for flyrock on which Mr. Mullins was the certified blaster.

Board Decision: Upon Mr. Mullins’ testimony and consideration of the DMLR recommendation, the Board voted unanimously to place Mr. Mullins’ Surface Blaster Certification #28955 under a six month probation period to end on September 4, 2014. If Mr. Mullins receives any other violations during this probationary period or future violations, he will be required to appear before the Board to determine his eligibility to hold a Virginia Surface Blaster certification.

Kenneth Darrell Stanley - Division of Mined Land Reclamation (DMLR) issued Imminent Harm Cessation Order HGC0010427 to Caliber Energy, Inc. Permit No. 1102050 for flyrock on which Mr. Stanley was the Surface Foreman. Upon Mr. Stanley’s testimony regarding the flyrock incident, the Board expressed concern regarding his duties as foreman. Upon the Board’s intent of scheduling Mr. Stanley for a future Board review, Mr. Stanley opted to have the Board to pursue this review during this March 4, 2014 meeting.

Board Decision: Based on the seriousness of the flyrock incident and Mr. Stanley’s failure as the Surface Foreman to report the incident, the Board voted unanimously to place Mr. Stanley’s Surface Foreman Certification #04108 under a six month probation period to end on September 4, 2014. If Mr. Stanley receives any other violations during this probationary period or future violations, he will be required to appear before the Board to determine his eligibility to hold a Virginia Surface Foreman certification.

VII. Next Meeting

Next meeting will be April 1, 2014.

VIII. Adjournment

Meeting adjourned at 2:25 PM.